

Benjamin Espinosa #74246
 HDSP - PO Box 650
 Indian Springs, NV. 89070-0650
 Plaintiff, In proper person

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

* * * * *

ESPINOSA	}	case NO. <u>3:21-cv-00205-ART-CLB</u>
PLAINTIFF	}	
V.	}	" <u>PLAINTIFF'S MOTION TO FILE</u>
GITTERE, ET. AL.	}	<u>APPENDIX: VOL. 1 UNDER SEAL</u> "
DEFENDANT(S)	}	(ATTACHED)

COMES NOW Benjamin Espinosa, Plaintiff, a pro se inmate, does so move this Honorable Court to grant his instant motion to file his Appendix: Vol. 1 in support of his Response to defendants Summary Judgment motion [ECF NO. 62]. This motion is based on the following memorandum of points and authorities, pleading[s], and paper[s] on file herein.

= MEMORANDUM OF POINTS AND AUTHORITIES =

I. RELEVANT BACKGROUND

On June 5th, 2023 Defendants filed their motion for Summary Judgment. [ECF NO. 62]

II. LEGAL STANDARD

FRCP — governs the filing of documents of a sensitive nature under seal with the courts.

III SENSITIVITY OF DOCUMENTS

PLAINTIFF is an incarcerated inmate in a protective segregated unit. He is filing Exhibits, and Declarations that contain names and statements made from other protective segregated inmates.

Though the public does have an interest in this case, it can not be said that their interest goes beyond such. In no way can society's interest trump the safety of its incarcerated persons.

The fact that General Population inmates have family and friends who can access instant case, as well as, previously incarcerated inmates who usually often return to prison, it can in no way be of benefit to disclose these, to be protected, inmates names and/or statements which has a possibility of placing them in future danger.

Plaintiff has made instant case known, but has done his best to not reveal any names of others. Nor can plaintiff justify his needs over the protection and safety of others!

IV CONCLUSIONS

For such reasons, plaintiff respectfully requests this Honorable court to file plaintiff's Appendix: vol. 1 under seal with the courts. Thank you.

DATED This 1st day of July, 2023

Benjamin W^m Espinosa

Benjamin W^m Espinosa, Plaintiff, In Pro Se.

= CERTIFICATE OF SERVICE =

I certify that I have sent my motion to file Appendix: vol. 1 under seal, interdepartmental mail to my law library to be e-filed to the courts using its CM/ECF system. Defense counsel for defendants will be served by such as a participant.

DATED this 18th day of July, 2023

Janet Trawt, Esq.

Deputy Attny Gen.

Counsel for Defendants

Benjamin W^m

Benjamin W^m, Espinosa #74296

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